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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,173	12/02/2003	Gerald R. Savicki JR.	905-183	4132

44564 7590 08/09/2005

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EXAMINER

NEILS, PEGGY A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/726,173

Applicant(s)

SAVICKI, GERALD R.

Examiner

Peggy A. Neils

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 18 is/are rejected.
- 7) ☒ Claim(s) 2,15-17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 7, 9, 10, 12-14, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham et al.

Cunningham et al shows an electrical wiring device for use in an electrical circuit, which includes a housing assembly 2 and at least one switch 58, which is coupled to an electrical circuit. There is a lamp receptacle 64 formed in the housing with a lamp module 60 which consists of light emitting diodes (LEDs) mounted on a circuit board 62 with electrical connections provided by wires 68, power circuit 66 and wires 74 connected to power terminals 72. Cunningham et al states that the lighting unit may be energized in response to a light sensor or it may be continually energized by circuit 66 (See column 4, lines 48-60). It is also suggested that other control arrangements may be utilized for the lighting unit.

Claims 3-5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham et al as applied to claims 1 and 6 above, and further in view of Blackman et al.

Cunningham et al discloses that light is emitted by the LEDs through apertures 8. There does not appear to be a lens structure. Blackman et al teaches that it is known in

the art to have an illuminated switch plate with a lens portion 22 covering the LEDs. It would have been obvious to one skilled in the art that a lens could be used in Cunningham et al to cover the LEDs in the same manner as taught by Blackman et al because both references are directed to wall mounted switch devices and a lens would protect the LEDs from damage. Regarding the type of circuit used in the electrical device and how it operates the lighting unit, Cunningham et al states that various arrangements could be contemplated to control the LEDs, therefore the particular manner in which power is provided to the LEDs is a design choice.

***Allowable Subject Matter***

Claims 20 and 21 are allowed.

Claims 2, 15-17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Claims 20 and 21 are allowable over the prior art because Claim 20 sets forth that a non-light emitting blank module may be substituted for the lamp module in the electrical wiring device. This combination of limitations was not shown or suggested by the prior art.

The following is a statement of reasons for the indication of allowable subject matter: Claims 2, 15-17 and 19 contain allowable subject matter because all these claims contain the limitation of a blank module being substituted in the electrical device in place of the lamp module. The prior art did not show or suggest this feature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nguyen, Barton, Gaines and Prior are cited of interest for showing illuminated electrical wiring devices.

Any inquiry concerning this communication or earlier communications should be directed to Examiner Neils at (571) 272-2377 on a Monday or Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378.

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800